

**NDDOT FISCAL YEAR 2008  
FTA DBE GOAL-SETTING METHODOLOGY**

In accordance with 49 CFR Part 26, the North Dakota Department of Transportation (Department) calculated the FY 2008 DBE goal at **0 percent**.

Availability of Disadvantaged Business Enterprises (DBEs) is compiled from data gathered a list of firms who submitted bids to the Metropolitan Planning Organizations and the NDDOT from the period April 1, 2006 through March 31, 2007. The information gathered was used to establish the pool of ready, willing, and able DBEs and non-DBEs.

**STEP 1—Corridor Studies/Planning**

There are a total of 16 firms that bid on corridor studies, planning studies and design and construction of bus storage facilities: Zero DBEs and 16 non-DBEs. Zero divided by 16 equals **0 percent**.

<b>TYPE OF FUNDING</b>	<b>FY 2008</b>	<b>\$\$\$ AVAILABLE FOR DBE PARTICIPATION</b>	<b>DESCRIPTION</b>
Section 5303	\$329,495	\$329,495	corridor studies/planning
Section 5304	86,263	86,263	non-urbanized/rural planning
FHWA PL	\$1,472,634	\$1,472,634	corridor studies/planning
FHWA SP & R	\$550,000	\$550,000	corridor studies/planning
Section 5307	\$3,535,331	\$0	No known bus suppliers or operations providers available
Section 5310	\$368,361	\$0	No known bus suppliers or operations providers available
Section 5311	\$3,485,128	\$0	No known bus suppliers or operations providers available
Section 5311 (b)	\$83,269	\$0	No known bus suppliers or operations providers available
Section 3037/5316	\$307,127	\$0	No known bus suppliers or operations providers available
Section 5309	\$1,259,200	\$159,200	\$159,200 Commercial building (\$58,690 consulting; \$100,510 contracting) \$1,100,000 Rolling stock and operational needs—no known bus suppliers or operations providers available
Section 5317	\$164,289	\$0	No known bus suppliers or operations providers available
<b>TOTAL</b>	<b>\$11,641,097</b>	<b>\$2,597,592</b>	

## **STEP 2**

The current capacity of DBEs in the area of corridor studies/planning is unknown, as the volume of work they have performed in this area during the past three years is 0 percent. Generally they bid on projects which include road design, ground survey, and testing. To date no firms have bid on or attained any contracts funded by Federal Transit Administration dollars.

### **ADJUSTMENTS**

The Department also considered available evidence from related fields that affect the opportunities for DBEs to form, grow, and compete. To determine the effects of discrimination on opportunities for DBEs to get financing, bonding, or insurance, we contacted the following:

- ND Attorney General's Office
- ND Department of Banking and Financial Institutions
- ND Department of Commerce
- ND Department of Human Services
- ND Small Business Development Center
- ND Office of Management and Budget
- ND University System

The Department received no information from these sources indicating that adjustment based on this evidence is warranted. No disparity studies have been conducted in the state. Therefore, no adjustment has been made for this factor.

### **BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION**

The DBE regulations require NDDOT to meet the maximum feasible portion of our overall goal by race-neutral means. The Department commits to aggressively working with the DBE consultant industry to interest them in the areas available for bidding using Federal Transit Administration funding. This is being achieved in the following ways:

1. Ensure distribution of the Department's DBE Directory and DBE roster, through print and electronic means, to the widest feasible universe of potential prime consultants and state and federal contracting agencies.
2. Previously data has not been kept relative to the dollars awarded to:
  - 1) consultants to conduct corridor studies; or 2) building construction to build facilities for public transit projects. As is noted above, prior to 2006, very little of the total FTA dollars received have been expended in an area where DBEs might compete. However, in an attempt to interest DBE consultants in this area of opportunity, the Department has adhered to the following procedures for all requests for proposals as of January 1, 2006:

- Sending copies of all requests for proposals to all qualified DBEs and non-DBEs, regardless of whether the Metropolitan Planning Organizations or the Department originated the request for proposal.
- Proposals contain a DBE clause requesting information as to possible areas of subcontracting to either DBE or non-DBEs.
- A database will be developed of DBEs and non-DBEs notified of availability of requests for proposals and of the responses received.

For reporting purposes, race-neutral DBE participation includes but is not necessarily limited to:

1. DBE participation through a prime consultant contract utilizing the consultant selection process;
  2. DBE participation through a subcontract on a prime consultant contract that doesn't carry a DBE goal; and
  3. DBE participation through a subcontract from a prime consultant that did not consider a firm's DBE status in making the award.
1. The Department believes it will meet both the consulting goal and building construction goal of **0 percent** by using race-neutral means as necessary.